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THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: ALPERT, et al.

Art Unit: 2627

Application No.: 10/507,101

Examiner: P. V. Agustin

I. A. Filing Date: March 11, 2003

Washington, D.C.

Filed: March 26, 2005

Atty.'s Docket: ALPERT=1A

For: METHOD AND APPARATUS FOR RETRIEVING INFORMATION

Confirmation No.: 1798

Customer Service Window, **Mail Stop Amendment**

Date: April 9, 2007

Honorable Commissioner for Patents
U.S. Patent and Trademark Office
Randolph Building, 401 Dulany Street
Alexandria, Virginia 22314

Sir:

Transmitted herewith is a REPLY TO RESTRICTION REQUIREMENT in the above-identified application.

☐ Small Entity Status: Applicant(s) claim small entity status. See 37 C.F.R. §1.27.

☒ No additional fee is required.

☐ The fee has been calculated as shown below:

	(Col. 1)		(Col. 2)	(Col. 3)
	CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NO. PREVIOUSLY PAID FOR	PRESENT EXTRA EQUALS
TOTAL	*	MINUS	** 20	0
INDEP.	*	MINUS	*** 3	0
FIRST PRESENTATION OF MULTIPLE DEP. CLAIM				

SMALL ENTITY	
RATE	ADDITIONAL FEE
x 25	\$
x 100	\$
+ 180	\$
ADDITIONAL FEE TOTAL	
\$	

OTHER THAN SMALL ENTITY	
RATE	ADDITIONAL FEE
x 50	\$
x 200	\$
+ 360	\$
TOTAL	
\$	

* If the entry in Col. 1 is less than the entry in Col. 2, write "0" in Col. 3.

** If the "Highest Number Previously Paid for" IN THIS SPACE is less than 20, write "20" in this space.

*** If the "Highest Number Previously Paid for" IN THIS SPACE is less than 3, write "3" in this space.

The "Highest Number Previously Paid For" (total or independent) is the highest number found from the equivalent box in Col. 1 of a prior amendment of the number of claims originally filed.

☒ Conditional Petition for Extension of Time

If any extension of time for a response is required, applicant requests that this be considered a petition therefor.

☐ It is hereby petitioned for an extension of time in accordance with 37 CFR 1.136(a). The appropriate fee required by 37 CFR 1.17 is calculated as shown below:

Small Entity
Response Filed Within
☐ First - \$ 60.00
☐ Second - \$ 225.00
☐ Third - \$ 510.00
☐ Fourth - \$ 795.00
Month After Time Period Set

Other Than Small Entity
Response Filed Within
☐ First - \$ 120.00
☐ Second - \$ 450.00
☐ Third - \$ 1020.00
☐ Fourth - \$ 1590.00
Month After Time Period Set

☐ Less fees (\$) already paid for month(s) extension of time on .

☐ Please charge my Deposit Account No. 02-4035 in the amount of \$.

☐ Credit Card Payment Form, PTO-2038, is attached, authorizing payment in the amount of \$.

☐ A check in the amount of \$ is attached (check no.).

☒ The Commissioner is hereby authorized and requested to charge any additional fees which may be required in connection with this application or credit any overpayment to Deposit Account No. 02-4035. This authorization and request is not limited to payment of all fees associated with this communication, including any Extension of Time fee, not covered by check or specific authorization, but is also intended to include all fees for the presentation of extra claims under 37 CFR §1.16 and all patent processing fees under 37 CFR §1.17 throughout the prosecution of the case. This blanket authorization does not include patent issue fees under 37 CFR §1.18.

BROWDY AND NEIMARK, P.L.L.C.

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By:

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)	Confirmation No.: 1798
)	
ALPERT et al)	Art Unit: 2627
)	
I.A. Filing Date: 03/11/2003)	Examiner: P. V. Agustin
371(c) Date: March 26, 2005)	
)	April 9, 2007
U.S. Appln. No.: 10/507,101)	
)	ATTY.'S DOCKET: ALPERT=1A
For: METHOD AND APPARATUS FOR)	
RETRIEVING INFORMATION)	

REPLY TO RESTRICTION REQUIREMENT OFFICE ACTION

Customer Service Window, Mail Stop Amendment
Honorable Commissioner for Patents
U.S. Patent and Trademark Office
Randolph Building
401 Dulany Street
Alexandria, Virginia 22314

Sir:

Applicants acknowledge receipt of the Office Action mailed March 9, 2007, entirely in the nature of a restriction requirement, purportedly on the basis of lack of unity of invention under PCT Rules 13.1 and 13.2. Applicants Reply below.

First, however, applicants respectfully request the PTO to acknowledge the receipt of applicants' papers filed under Section 119.

Restriction has been required among what the PTO deems as being three (3) patentably distinct inventions. As applicants must make an election, even though the requirement is traversed, applicant hereby respectfully and provisionally elects Group I (claims 1-26), with partial traverse and without prejudice.

Appln. No. 10/507,101
Amd. dated April 9, 2007
Reply to Office Action of: March 9, 2007

Applicants accept the requirement insofar as Group III is concerned, but the restriction is traversed as regards Group II in relation to elected Group I.

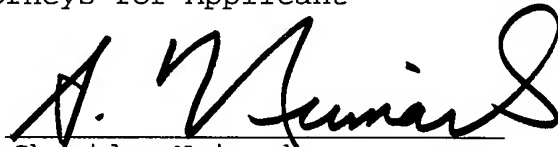
The Office Action states that there is lack of unity of invention, but the reasons given do not relate to PCT Rules 13.1 and 13.2, but instead relate to standard U.S. restriction practice, which of course does not apply in the present case. Applicants' claims of Groups I and II share the same special technical feature as called for in claim 1. There is no lack of unity of invention.

Accordingly, applicants respectfully request withdrawal of the requirement as between Groups I and II, and examination of all the claims on the merits. (The Group III claims have been cancelled without prejudice by preliminary Amendment, applicants relying on their right to file a divisional application with respect to the Group III claims without any penalty whatsoever, applicants relying on §§121, 120 and 119.)

Respectfully submitted,

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